

Remarks/Arguments

Reconsideration of this application is requested.

Extension of Time

A request for a three month extension of the period for response to the office action mailed on November 15, 2007 is enclosed. The extended period for response expires on May 15, 2008.

Declaration

The Action asserts that the declaration is defective because it acknowledges the duty to disclose information material to patentability under 37 CFR 1.56(a), rather than 37 CFR 1.56. In response, a newly-executed declaration is enclosed that properly acknowledges the duty to disclose information material to patentability under 37 CFR 1.56.

Claim Status

Claims 1-19 were presented. Claims 1, 3 and 6 are amended. Claims 8, 13 and 14, which are incorporated respectively into claims 1, 3 and 6, are canceled without prejudice. New claims 20-25 are added. Thus, claims 1-7, 9-12 and 15-25 are now pending.

Claim Rejections – 35 USC 103

Claims 1-9, 11-15, 18 and 19 are rejected under 35 USC 103(a) as obvious over Hoshino (US 2004/0244771). Claims 10, 16 and 17 are rejected as obvious over Hoshino in view of Watanabe (US 4,411,231). In response, applicant traverses the rejections and amends independent claims 1, 3 and 6 to more clearly distinguish over Hoshino and Watanabe.

As described, for example, at paragraph 0041 of applicant's specification, when electric motor 20 is shifted to a regenerative mode, the power supply connected to electric motor 20 is preferably shut off. Claims 1, 3 and 6 are amended to emphasize this feature. In particular, claims 1, 3 and 6 are amended to recite that:

...the control section cuts off a power from a power supply to the electric motor and then shifts the electric motor to the regenerative mode...

Dependent claims 8, 13 and 14, which formerly recited this feature, are canceled without prejudice.

Page 7 of the Action acknowledges that Hoshino fails to disclose this feature, but asserts that it would be obvious to modify the H-bridge circuit disclosed in Hoshino's paragraphs 75 and 76 to allow the DC motor to be in regenerative mode while the power supply is off. Applicant respectfully disagrees. While the H-bridge circuit of FIG. 9 might raise a possibility that DC motor 33 could be changed to a regenerative mode, there is absolutely no disclosure or suggestion that a control section cuts off power from a power supply to DC motor 33 and then shifts it to the regenerative mode. Watanabe does not remedy the deficiencies of Hoshino in this regard.

Since Hoshino and Watanabe do not disclose or suggest each and every feature of claims 1, 3 and 6, claims 1, 3 and 6 and claims 2, 4, 5, 7, 9-12 and 15-19 depending therefrom are not obvious over Hoshino in view of Watanabe. The rejections of claims 1-7, 9-12 and 15-19 under 35 USC 103 should accordingly be withdrawn.

New Claims

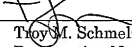
New claims 20-25 depend from claims 1, 3 and 6 and are added to better define the invention. In particular, the claims recite a detecting section for detecting a vehicle operating condition, wherein the control section cuts off the power from the power supply to the electric motor when the detecting section detects an abnormality. The detecting section may be, for example, a throttle valve opening sensor. Support for the subject matter of claims 20-25 is found in applicant's specification at page 26, paragraph 0099, and FIG. 17.

Conclusion

This application is now believed to be in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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